UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1995/29/Add.1
26 June 1995

ENGLISH
Original: ENGLISH/ARABIC

COMMISSION ON HUMAN RIGHTS

Subcommission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary
Forms of Slavery
Forty-seventh session
Item 16 of the provisional agenda

CONTEMPORARY FORMS OF SLAVERY

Report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, submitted pursuant to Subcommission resolution 1994/5

Addendum

The present document contains information submitted by the Government of the Republic of Bosnia and Herzegovina and the Syrian Arab Republic.

GE.95-12834 (E)

Republic of Bosnia and Herzegovina

[Original: English]
[20 April 1995]

1. The Government of the Republic of Bosnia and Herzegovina stated that human rights and freedoms have been massively violated by the aggressor during the aggression against the independent, sovereign and internationally recognized Republic of Bosnia and Herzegovina. These violations as contemporary forms of slavery at the end of the twentieth century have not been recorded to date, and they have been taking place before the whole international community daily for over three years.

2. As these particular forms of slavery have already been dealt with in the report of the Ministry of Justice of the Republic of Bosnia and Herzegovina submitted to the Centre for Human Rights, dated 15 March 1995, entitled "The issues of non-punishment of perpetrators of violations of human rights in the Republic of Bosnia and Herzegovina", they will not be dealt with in this report in order to avoid repetition. This report will focus on a more detailed description of the crime of mass rapes and forcing women and girls, mainly of Bosniak ethnic affiliation, into prostitution, as only one of the modern segments of slavery.

3. All the issues that will be dealt with in the reports by other States Members of the United Nations and that will be discussed by the Working Group on Contemporary Forms of Slavery at its twentieth session, from 19 to 28 April 1995, are the result of crimes organized more or less nationally or internationally.

4. The report of the Republic of Bosnia and Herzegovina relating to the implementation of resolutions 1994/25 and 1994/5 is not the result of organized crimes but of the aggression against the Republic of Bosnia and Herzegovina that has continued for over three years and that has spared neither women nor girls. Besides all the other misfortunes they were exposed to resulting from war activities, they were also exposed to a specific form of slavery, that is to say, the most brutal rape, only because of their ethnic and religious affiliation.

5. In most cases they were young women and girls of Bosniak ethnic affiliation, while the perpetrators of those crimes were mainly soldiers belonging to the aggressor's military formations, either acting as part of a broader plan worked out to destroy a population or on their own initiative.

6. The evidence gathered so far shows clearly that the crimes committed against the female population of all ages, including forced prostitution, are one of the most serious consequences of the aggression against the Republic of Bosnia and Herzegovina.

7. From the evidence gathered to date, it is manifest that organized rape was committed in the areas of Sarajevo, Visegrad, Foca, Zvornik, Rogatica, Sokolac, Prijedor, Brcko, Sekovici, Kalinovik and in some other places. The lists of both the victims and the perpetrators of those crimes are exceptionally long.

8. This report is only a short survey of the crimes committed in some towns and at particular locations in those towns where that criminal activity was continually taking place in an organized manner.

9. In the area of Sarajevo, crimes against women were especially pronounced in the parts of the city that are temporarily occupied by the aggressor: Vraca, Grbavica and Vogosca and the notorious restaurant "Kod Sonje" (at Sonja's). In that restaurant, which was turned into a torture house, two little girls, 7 and 13 years old, were raped by 20 Chetniks in front of their mother. After that both girls died from consequences of the rape. The women raped in the restaurant mentioned above were usually taken to the nearby hill of Zuc and killed there. The guards of that prison, Dragan Vukovic, Sinisa N., Miro Vukovic, even charged entrance fees to that prison (1 litre of brandy and half a kilo of coffee).

10. Rapes were also committed in the "Shopping" buildings and in the "Digitron Buje" Company premises at Grbavica, and in private flats in the same inhabited places as well as in the prison of Kula near Sarajevo Airport and the barracks of Lukavica. The subjects of sexual abuse in a great number of cases were girls under 14 years old who will never be able to wipe out either physical or psychological traces of the crime.

11. Identical crimes were also committed in eastern Bosnia, in the area of Foca, Cajnice, Zvornik, Miljevici and Visegrad. Most of these crimes will remain under a veil of mystery as the perpetrators of crimes in that region made additional efforts to remove the witnesses to their crimes in that region by either killing them and then throwing their corpses into the Drina River or by burning and transporting them to unknown sites somewhere in Serbia.

12. The destiny of 300 very young girls of the centre for mentally retarded children at Visegrad should be pointed out here. They were first raped by members of the aggressor forces and then bestially killed.

13. The sites of those organized crimes were mostly sports halls, school and former public buildings or, if there were no such places, private houses belonging to the members of the aggressor's military formations and their collaborators. There are many examples, but we will quote only a few: the "Partizan" sports hall and the "Velcevo" former women's prison at Foca, the primary school at Cajnice, "Zvornik" Health Centre at Drinjaca.

14. The aggressor did not hesitate to use even mosques - places of worship - as collection centres from where women and young girls were taken to nearby houses and raped, in many cases by their former neighbours and schoolmates.

15. The "Slavisa Vajner Cica" primary school building at Sokolac was also turned into a brothel. In the period between May and September 1992, 13 girls were kept, there among them a six-year old. They were only released in September when all of them were in advanced stages of pregnancy. The victims named the perpetrators of crimes against them: Momir Krsmanovic, Drago Djurevic and Milos Djurevic.

16. Similar crimes were also committed in the municipality of Prijedor. In the Omarska concentration camp and four other camps in that area, there were special places of torture for women. A girl aged 14, who is now in Novi Travnik, got pregnant there as a consequence of repeated raping. In the Trnopolje concentration camp, in one day five 13-year-old girls were raped and three of them had to be sent to hospital in Prijedor.

17. In the Brcko area, too, a number of buildings were turned into brothels: the "Vestfalija" restaurant, the "Laser" Company, the "Luka" camp on the Sava River, a camp brothel at Brezovo Polje. In this last camp, cases of girls being sold were recorded. An example of this was the case of 30 young girls aged from 9 to 15 years who were separated from the convoy of refugees from Brcko near the village of Caparde with the intention of selling them as white slaves. A girl born in 1977 says that in the Luka camp - the port on the Sava River - she was raped over 200 times and that she was an eyewitness to a great number of murders. The perpetrators of those crimes whose names she mentioned were Goran Jelacic, Monika Simeunovic, Radojica Bozic from Brezik, Milan Obrenovic, called Skijan, Vaso Lazic, called Sova (Owl), Cvjetko Zaric and Bozo Bozic.

18. Along with these we can give the names of the persons who are quoted as perpetrators of crimes as described above: Milan Lukic, Risto Perisic, Dusko Andric at Visegrad; Nusret Koroman, Ljubo Njegus, Pero Elez, Radovan Stakovic, Nedzo Samardzic, Nikola Brcic at Foca; and Miljevina, Mirko Planojevic, Zlatko Neskovic, Mladen Kosic, and Vinko at Rogatica.

19. Apart from the crimes that were committed at the places described above, we know of a case of 150 Bosniak women among whom were girls under 14 years of age. The aggressors were taking them along the positions from Posavina to Pale satisfying themselves sexually.

20. In all the cases mentioned above, the women and girls, if they were not killed, were kept in closed spaces with the aim of getting the conceived pregnancy into the stage when it was impossible to abort it. This is an illustration of the position of those women and girls and of the criminal goals that the Serb aggressor wanted to achieve.

21. In this report we are going to quote another specific form of contemporary slavery that was not dealt with in the earlier report. It is the establishment of the so-called "working platoons" which are made up exclusively of non-Serbs and which have been formed in almost all parts of the territory temporarily occupied by the aggressor. These working platoons have been made to dig trenches for the paramilitary formations, clean and do other jobs. They are often used as so-called "human shields" in the fighting on the front lines.

22. This report and the material submitted earlier clearly point to the aggressor's intention to destroy one people, using all methods and means, only because of their ethnic and religious affiliations and to seize the territory where these people have lived.

Syrian Arab Republic

[Original: Arabic]
[19 April 1995]

1. The Government of the Syrian Arab Republic stated that the legislation in force in Syria safeguards all aspects of human rights. The Penal Code promulgated under the terms of Legislative Decree No. 148 of 1949, as amended, prescribes the criminal penalties to be imposed on anyone who violates human rights, including the penalties for offences against minor children, as can be seen from the following article:

Article 478

1. Anyone who abducts or conceals a child under seven years of age, replaces a child with another or affiliates a child to a woman other than the child's real mother shall be punished by imprisonment for a term of three months to three years.

2. The said term shall not be less than one year if the purpose or result of the offence was to destroy or falsify evidence concerning the child's parentage or to register spurious details concerning the child's parentage in official records.

2. The Penal Code also contains provisions relating to offences against public morality and decency, including obscenity, enticement, debauchery, intrusion into places reserved for women, incitement to prostitution and behaviour contrary to public morality and decency. Syrian law classifies these offences and prescribes appropriate penalties therefore, as can be seen from the following articles of the Penal Code.

Article 493

1. Anyone who uses force or threatens to compel a person to endure or engage in an indecent act shall be punished by a term of not less than 12 years' imprisonment with hard labour.

2. The minimum term shall be 18 years if the victim is under 15 years of age.

Article 494

A penalty of up to 15 years' imprisonment with hard labour shall be imposed on anyone who resorts to a means of deception or takes advantage of a physically or mentally handicapped person in order to commit an indecent act against him or induce him to commit such an act.

Article 495

1. Anyone who commits an indecent act against a minor under 15 years of age or induces him to commit such an act shall be punished by a term of nine years' imprisonment with hard labour.

2. The said term shall not be less than 12 years if the child is under 12 years of age.

Article 496

Any person falling within the category of legitimate or illegitimate ascendants, relatives by marriage or ascendants, persons exercising de facto or de jure authority over a minor, or servants of any of the said persons, who commits an indecent act against the said minor between 15 and 18 years of age or who induces the minor to commit such an act shall be punished by a term of up to 15 years' imprisonment with hard labour.

Article 504

1. Anyone who seduces and deflowers a young girl after promising to marry her shall be punished by a term of up to five years' imprisonment and/or a fine not exceeding 300 Syrian pounds, unless the act warrants a more severe penalty.

2. In the absence of a confession, the only admissible evidence against the offender shall consist in letters and documents that he wrote.

Article 505

Anyone who touches or fondles, in an indecent manner, a male or female minor under 15 years of age, or a young girl or a woman over 15 years of age without their consent, shall be punished by imprisonment for a term of up to one and a half years.

Article 506

Anyone who makes a shameful or indecent suggestion to a minor under 15 years of age or to a young girl or a woman over 15 years of age shall be punished by three days' imprisonment and/or a fine not exceeding 75 Syrian pounds.

Article 507

Any man who disguises himself as a woman and enters a place reserved for women, or which only women were permitted to enter at the time of the act, shall be punished by a term of up to one and a half years' imprisonment.

Article 509

1. Anyone who habitually incites one or more male or female persons under 21 years of age to engage in fornication or debauchery, or aids and abets in their commission of such acts, shall be punished by imprisonment for a term of three months to three years, together with a fine of 75 to 600 Syrian pounds.

2. The same penalty shall be imposed on anyone who engages in, or facilitates, clandestine prostitution.

Article 510

A penalty of not less than three years' imprisonment and a fine of up to 300 Syrian pounds shall be imposed on any person who, with a view to gratifying the desire of others, leads astray, entices or lures away a woman or a young girl under 21 years of age, even with their consent, or a woman or young girl over 21 years of age through the use of deception, force, threats, abuse of authority or other means of coercion.

Article 511

A penalty of imprisonment for a term of six months to six years together with a fine of 75 to 750 Syrian pounds shall be imposed on anyone who, using the means referred to in the preceding article, detains a person in a brothel or forces a person to engage in prostitution against that person's will or in consideration of a debt incurred by the said person.

Article 512

Anyone who habitually and for purposes of gain facilitates the enticement of persons to engage in debauchery with others or uses any of the means referred to in paragraphs 2 and 3 of article 208 to procure persons for the purposes of prostitution shall be punished by imprisonment for a term of three months to three years and a fine of 30 to 300 Syrian pounds.

Article 513

Any woman who is not engaged in a specific profession and, in order to earn her living, relies wholly or in part on the prostitution of others shall be punished by imprisonment for a term of six months to two years and a fine of 10 to 100 Syrian pounds.

3. The Juvenile Delinquents Act No. 18 of 1974 classifies this category of persons and specifies the procedures for their trial, reform and care in the following articles.

Article 27

The court may order the placement in care of any juvenile who is found to be:

(a) Living as a vagrant or beggar, without means of support or source of livelihood;

(b) Working in places, or exercising occupations, that are incompatible with public morality. In all cases, the court may place in care any juvenile if, in its opinion, his circumstances so require.

Article 28

If the juvenile cannot be placed in the care of an appropriate institution, the juvenile court may find employment for him in an industrial, commercial or agricultural occupation in which his conduct shall be monitored by the probation officer under the supervision of the court, which shall ensure the application of the appropriate reform measures provided for in this Act.

4. Accordingly, it can be said that traffic in persons and exploitation of the prostitution of others is prohibited in Syrian law and does not exist in actual practice.

5. We can confirm that the various aspects of the human rights of all Syrian citizens are safeguarded in a manner consistent with this country's history, civilization and culture.